



FERP

FORSCOM EARLY RESOLUTION PROCESS

A simple voluntary and effective option within the EEO Precomplaint Process

U.S. Army Forces Command has instituted a program called the FORSCOM Early Resolution Program (FERP). Its goal is to achieve early, lasting resolutions which are mutually satisfactory to the parties without resorting to lengthy and costly litigation.

What is FERP?

The FORSCOM Early Resolution Process (FERP) offers MEDIATION as the alternative dispute resolution (ADR) process to resolve EEO precomplaints.

What is Mediation?

Mediation involves the intervention of a neutral and impartial third party into the dispute. The mediator assists in clarifying issues, identifying underlying causes, and arriving at appropriate solutions to resolve the dispute. The mediator cannot impose a resolution on the parties and will protect the confidentiality of the process.

Who May Participate?

Aggrieved persons:

FORSCOM employees, applicants for employment, and former employees who initiate a timely precomplaint on matters arising during their employment with FORSCOM may choose to participate in FERP. Participation is voluntary.

Who is Involved in FERP?

Settlement officials:

Commanders or their designees who are authorized to engage in settlement discussions and execute settlement agreements.

Mediators:

Neutral and impartial third parties who are skilled in conflict resolution techniques and have been certified to participate in the FERP process.

ADR Team Members:

The EEO Officer, Labor Counselor, Civilian Personnel Representative and other officials deemed appropriate, who review the issues raised, determine whether the FERP process is applicable to the dispute, discuss settlement options and assist the mediator as requested.

When is FERP Initiated?

The EEO Counselor undertakes the counseling inquiry as usual under EEO procedures, providing initial information on FERP along with the rights of redress letter. If the ADR team determines that the complaint should be mediated, the EEO Officer (EEEO) will offer the aggrieved person an opportunity to participate in FERP not later than the 17th day after the matter was referred to the EEO counselor. Should the aggrieved person choose to participate in FERP, he or she must notify the EEEO not later than 3 days after offer to mediate. If FERP is not initiated, the EEO Counselor will continue counseling, conduct the final interview and issue the Notice of Right to File no later than the 30th calendar day.

How Does FERP Work?

Once the aggrieved person opts into FERP, the EEEO will select a mediator who will coordinate logistical arrangements with the EEEO and proceed expeditiously to conduct the mediation. The EEEO is authorized to extend the precomplaint period for up to an additional 60 calendar days to accomplish the mediation. The mediator will explain how he or she will conduct the mediation process; however, once the mediation is initiated, it should be conducted within 1-2 days. A dispute may be resolved by voluntary withdrawal of the allegations or by a settlement

agreement. If the involved parties are able to reach an agreement, the mediator will coordinate with the EEEO to obtain a written settlement. If any issues remain unresolved, the mediator will notify the EEEO so that a Notice of Right to File can be issued and the EEO complaint process can proceed.

FERP PROCEDURES

- Aggrieved meets with EEO Official
- EEEO refers to EEO counselor
- EEO Counselor completes initial interviews
- EEEO meets & confers with ADR team
- EEEO offers aggrieved opportunity to participate in FERP
- Mediator selected and assigned
- Mediation conducted
- Resolution (No fault withdrawal or settlement agreement)
- No resolution (Notice of right to file formal complaint)

Why FERP?

- Allows parties to resolve disputes themselves.
- Encourages open communications.

- Utilizes an impartial third party to assist the involved parties in resolving the dispute.
- Avoids protracted litigation and improves working relationships.

For more information contact your local Equal Employment Opportunity Office